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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANITA KOURY,

Plaintiff,

vs.

KILOLO KAJIKAZI,
Acting Commissioner of Social Security,

Defendant

Case No.: 1:20-cv-01417-EPG

STIPULATION AND ORDER FOR THE
AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO
JUSTICE ACT, 28 U.S.C. § 2412(d)

(ECF No. 24)

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the EAJA in the amount of TWO-THOUSAND TWO-HUNDRED SIXTEEN and TWENTY-SIX cents (\$2,216.26). This amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412.

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's

1 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the
2 assignment will depend on whether the fees and expenses are subject to any offset allowed under
3 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
4 and expenses is entered, the government will determine whether they are subject to any offset.
5 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
6 determines that Plaintiff does not owe a federal debt, then the government shall cause the
7 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the
8 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
9

10 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
11 attorney fees and expenses, and does not constitute an admission of liability on the part of
12 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
13 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
14 EAJA attorney fees and expenses in connection with this action.
15

16 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
17 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.
18

19 Respectfully submitted,

20 Dated: March 7, 2022

/s/ Shellie Lott

SHELLIE LOTT

Attorney for Plaintiff

21 PHILLIP A. TALBERT

22 Acting United States Attorney

23 DEBORAH L. STACHEL

24 Regional Chief Counsel, Region IX

25 Date: March 7, 2022

/s/ Caspar Chan

(As authorized via email on 3/7/22)

26 CASPAR CHAN

27 Special Assistant United States Attorney

ORDER

Pursuant to the stipulation of the parties (ECF No. 24), IT IS ORDERED that attorney fees under EAJA, in the amount of TWO-THOUSAND TWO-HUNDRED SIXTEEN and TWENTY-SIX cents (\$2,216.26), are awarded to Plaintiff, subject to the terms of the stipulation.

IT IS SO ORDERED.

Dated: **March 7, 2022**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE